



# *Town of Eddington*

906 Main Road Eddington, Maine 04428

## **PLANNING BOARD**

**October 27, 2015**

**6:00 pm**

## **MINUTES**

**CALL TO ORDER:** Susan Dunham-Shane called the meeting to order at 6:05 pm.

**ROLL CALL:** Members present were Susan Dunham-Shane, Gretchen Heldmann, Craig Knight, David McCluskey, David Peppard and David Johnson. Charles Norburg and Russell Smith have excused absences.

**MINUTES:** Motion to table the minutes of October 13, 2015.

**By Gretchen H/Craig K 2<sup>nd</sup>. Vote 4-0**

**UNFINISHED BUSINESS:** This meeting is a Workshop to continue work on the Shoreland Zone Ordinance changes. The following are items that were discussed. The Board members have the pdf version of the Ordinance so the print will be larger. Gretchen will lead the discussion from the word document version that has the comments on the side, which makes the print much smaller and harder to read and they will discuss the remaining highlighted areas.

1. Page 4, Effective Date, the Date of Adoption will be inserted here after it is adopted.
2. Page 5, Districts and Zoning Map, A1 states that the current map needs to be updated. The Board is aware that they need to work on the map.
3. Page 11, 13. Establishment of Districts, Resource Protection District, 1. Comment A2, "This section is no longer required. While the Comprehensive Plan recommends protection significant habitat, it does not specifically require RP designation. Town officials may decide to remove this section being less restrictive." The Board needs to decide if they are going to keep this section or not. Gretchen reviewed the Comprehensive Plan Chapter on this subject, and though it does not specifically use the phrase Resource Protection, it does go into detail about water fowl winged- bird habitat, habitat program, and protecting these areas, etc. Gretchen does not think it would be consistent with the Comprehensive Plan to remove this section. Susan DS, David M. and Craig K agree with Gretchen. David P. asked what would be kept and if it would include the last sentence in red in that section and Gretchen said it would include A.(1) and the last sentence.
4. Chart, Gretchen explained that she had increased the font size of the Land Uses in the Shoreland Zone Chart and everyone has this new copy. David M. has been assigned the task to review the chart to make sure that it all lined up. He said it all did line up except #19, Essential Services. Gretchen explained that because there are sections A., B., C., and D. under 19, no reference is needed on the first line regarding approval.
5. Page 15, 15. Land Use Standards. A10, "This draft reflects the current ordinance, but town officials may decide to change lot area to 40,000/60,000 sf as applicable, and shore frontage to 150 as applicable, being less restrictive." The Ordinance is currently 87,210 sf with 200' frontage. David M. and David P. both felt that the state allowing for decreased lot sizes is possibly to allow towns to have more lots on the water and the capitalize on this. Susan said

that it would also make some nonconforming lots conforming. The Board members referred to the copy of the Ordinance that they had previously received with the small print and comment bubbles from the state. The lot sizes in the other districts are: Mixed District and Commercial, 1 acre and 100' frontage; Rural Residential, 2 acres and 200' frontage' and Rural Agricultural is 4 acres and 400' frontage. Whatever is the most restrictive will regulate the area. Susan DS, David M., Gretchen H, David P. and Craig K are all fine with changing it to 1 acre lot size. Change the 87,120' sf minimum lot area to 43,560' and the 200' setback to 150'.

6. Page 18, B Principal Accessory Structures, (2) a. A4 "This exemption is in the current ordinance, but town officials may decide to remove this section. Being more restrictive." (b), A5, "This exemption is new, and town officials may decide to remove this section, being more like the current ordinance." New wording the state added:  
The height of a structure shall exclude a nonhabitable feature mounted on a structure roof for observation purposes, such as a cupola, a dome or a widow's walk, provided the following conditions are met:
  - (i) the feature is being added to, or is part of, a conforming structure,
  - (ii) the structure is not located in a Resource Protection or Stream Protection District,
  - (iii) the feature does not extend beyond the exterior walls of the structure,
  - (iv) the feature has a floor area of fifty-three (53) square feet or less, and
  - (v) the feature does not increase the height the structure, as defined, more than seven (7) feet.The Board agreed to add (9b) and underline nonhabitable to make it clearer.
7. Page 34, Special Exceptions, Page 34, 4. The state recommends removing "ground floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures" and inserting "footprint, as defined" They had marked this section to revisit because they wanted to have more time to research the wording changes from ground floor area to footprint per recommendation from the State and CEO. The Board agreed to this change.
8. Definitions, Expansion of a structure and Expansion of use, change "floor area or volume" and "floor area" to "footprint."
9. Definitions, Footprint, Board agreed to add the state definition "the entire area of ground covered by the structure(s) on a lot, including but not limited to: cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks." The Board discussed adding additional wording to clarify footprint. Gretchen suggested adding the following note: "Measurement of cantilevered or similar overhanging extensions shall be measured by extending an imaginary plum line from the outermost edge of said structures/extension down to the ground and including all ground that is under that structure whether vegetated or nonvegetated." All of the Board agreed to add this except David J. who thought the current definition was ok. Susan DS explained that they had run into questions in the past and this will eliminate that. David J. then said they should add "plum" before line.
10. Structure, page 46, A6, Gretchen H. explained that the state comment is "These are new exemptions and town officials may decide to remove any/all of them, being more like the current ordinance. She read the definition as follows: - "whether temporary or permanent: anything located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, ; anything built, constructed or erected on or in the ground, . The term structure includes decks, patios, and satellite dishes. Structure does not include fences, and; poles,; wiring, guy wires, guy anchors and other aerial equipment normally associated with service drops; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; and wells or water wells as defined in Title 32, section 4700-E, subsection 8[A6]." New exemptions added are subsurface waste water disposal systems, geothermal heat exchange wells and wells or water wells. Gretchen said that in the regular zoning they do not consider subsurface waste water disposal systems as structures and she thinks it would be wise to match that. The Board discussed this and decided to accept the state's suggestion and leave these exemptions in.
11. David J. asked if in reference to footprint, if it would count the eve on a roof. Gretchen answered yes. Susan and Gretchen explained that it is currently this way in the Shoreland and Zoning Ordinances.
12. The Board needs to create a revised Shoreland Zoning Map. The map the state has is from the 1990's. A new one was done in 2009, but the map was never sent in, so they are not that far off on the map now. They can review the map at another workshop and fine tune it and send it to MDEP. After they do the

map, they will have a Public Hearing with the changed Ordinance and the revised map and it will then go to the Selectmen and they will have a Public Hearing and then be voted on at a Special Town Meeting. There is not a big rush on this, so they can include it at the June Town Meeting.

**NEW BUSINESS:**

**OTHER BUSINESS:**

**STAFF REPORTS:**

**PLANNING BOARD COMMENTS:** The next meeting would be November 10, 2015. Gretchen H. cannot attend this meeting and David P may not be available also. One agenda item from the previous meeting was to decide how to have a public meeting regarding the size of commercial buildings. They will meet November 24, 2015, the 4<sup>th</sup> week of November

**PUBLIC ACCESS:**

**ADJOURNMENT:** Motion to adjourn at 7:21 pm.

**By David M. Craig K. 2nd. All in favor**

Respectfully Submitted,

Denise M. Knowles